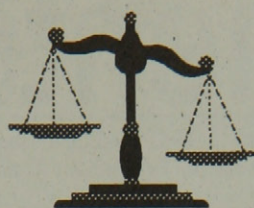


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UNIVERSITÉ MCGILL FACULTÉ DE DROIT
MCGILL UNIVERSITY FACULTY OF LAW

January 24, 1994
le 24 janvier, 1994

Big Wheels

Laurence Detière BCL I

Buying a high-ticket item these days seems to be harder than ever. Indeed, deciding to purchase a computer for example requires incredibly long amounts of time, studying different products, models, size, memory capacity, and price. In the end anyway, you usually flip a coin, knowing you're not going to get exactly what you wanted anyway, and that the enquiries you have made over the past months are no longer valid since a new generation of computers from Krypton has arrived. Cars, it seems, aren't quite as problematic, 'till the time comes to cough-up the cash. Hundreds of consumer reports are published to assist us in relinquishing obscene amounts of money.

In today's era of back-to-basics, pollution conscious, and broke consumers such as ourselves (although I think the

back -to-basics stuff is a politically correct word for cash deprived), a mode of transportation which is fast, fun, cheap, and fuel efficient is highly desirable. More unbelievable is that most of us have driven, if not actually owned one in the good old days, where Hubba Bubba was a quarter, and Santa Claus still brought gifts for the entire family, so we didn't have to tackle the shopping-mobs or credit card limits.

One afternoon after classes, we (et al.) discussed "vehicles" before hitting the books, literally. There was talk of cars, their model numbers, and years, and motorcycles, and more secret codes referring to those models and years. Not that I was ever really initiated to the esoteric vocabulary of car identification (I just point). The price tag, in an effort of getting you to learn how to count until "i don't have enough money", or in

certain case, to "I will *never* have enough money". Shouldn't there be a cut-off point were the car price is soooooo high, that "When I paid it, I actually bought the company".

One thing did come out of the discussion with grown men and women concurring: ain't nothing like hot-wheels.

Remember those plastic "tricycles" with extra-large wheels and extra low "close to the ground seats". And a blue hand-break. If you owned the luxury model, you probably also had plastic streamers hanging from the sides of the "above your head" high handles. Let's face it, Hot-Wheels were fun, racy, fuel-efficient, fun, and fast. So fast in fact, that as John pointed out, if you were going down hill, you had to take your feet off the pedals to avoid repeatedly being struck in the face by your knees (was *that* really safe? or fun for that matter?). It also

(Continued on page 4)

THE EXTERNAL FILE

Marian Tremblay
VP External

Happy New Year to everyone!

Hope you had a good and relaxing holiday and that wherever you were, it wasn't as cold as in La Malbaie where I come from (read up north since it's always at least 5 degrees below the temperature in Montréal).

The Execs will be completing their mandate this semester and there are a number of things that I wanted to inform

you on personally...

In case you still don't know, I am your representative at SSMU council so if you have any requests or projects, you can come to me for information and if I can't help you I will at least direct you to the person who will have the information you need.

For students wanting to get involved, we have openings for very interesting positions or things to do...

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JAN 28 1994
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Announcements / Annonces

Legal Theory Workshop

On Friday, January 28, 1994 at 11:30 a.m. in Room 202, N.C.D.H., Professor Philip Girard, of Dalhousie Law School and Visiting Professor at Osgoode Hall Law School will deliver a talk on "Family Law and Family Policy: Convergence or Divergence in the Common and Civil Law". Professor Girard, a graduate of our Faculty, has written extensively and is well recognized in the fields of Canadian legal history (including articles about the historical legal conditions regarding women and family law). A copy of the paper is on Library Reserve. Everyone is welcome.

HUMAN RIGHTS INTERNSHIPS (Prof. Toope)

The Canadian Lawyers' Association for International Human Rights has received a contract from CIDA to administer a series of human rights internships with human rights organizations in Latin America and the Caribbean. Students from 5 Canadian law faculties will be eligible to apply in the programme. I am happy to announce that students from McGill University are included. Placements will be arranged in 5 or 6 different countries, most of which are Spanish-speaking. Therefore, one of the principle selection criteria will be fluency in Spanish. However, it seems likely that at least two internships will be available in Jamaica and Guyana. For these internships, Spanish language skills will not be necessary. Other selection criteria will include background knowledge of relevant law including civil law, human rights law, international law, and electoral law; personality issues including maturity and ability to adapt and deal with stressful situations; and experience, most directly in relation to the use of law to promote social and economic justice.

Students will receive funds to cover travel costs and subsistence while in their internship programme. Some personal fundraising efforts will be required. The programme will run between 8 and 12 weeks during the upcoming summer.

Those students who are interested in applying for such internships should contact Prof. Stephen Toope at 398-6642. Interested students should submit a resumé, transcripts of their grades and courses taken, and the names of two referees. It is not necessary to submit reference letters, unless the student wishes to do so. It would also be helpful to enclose a letter outlining the reasons that a student feels that he or she should be selected for such internships in view of the selection criteria set out above.

Candidates for these internships will be interviewed in late January, and names will be forwarded to a national selection committee. Final selection of candidates should take place before mid-February. It is anticipated

that between 3 and 5 McGill students would be offered internships, if the quality of the applicant pool is high.

Human Rights in El Salvador: Message from Associate Dean Toope

I have been working with a new organization called the Canadian Lawyers Association for International Human Rights (CLAHR). As part of a project funded by CIDA, CLAHR has undertaken a project in cooperation with the Legal Studies Institute of El Salvador. The goal of this project is to provide an analysis of the current electoral law of El Salvador, to compare the electoral law with lateral legislation in a number of developed and developing nations, and to suggest areas for possible legislative reform. CLAHR is looking for student volunteers to engage in research, comparative analysis of electoral law, and law reform proposals. Any students who are interested in working on this project, which will be supervised by a graduate of the Faculty of Law currently working as a lawyer in the Department of Justice in Ottawa, please contact Professor Toope. It might be possible for this work to be undertaken as an independent study paper under my supervision. Those interested should contact me as soon as possible.

Reminders from your user-friendly Office of Undergraduate Studies

You have until Friday, 28th January, to get those requests for re-reads into the works. To refresh your memory, the procedure is as follows: (1) discuss your examination with the instructor; (2) if, after consultation, you wish to appeal the grade, complete a re-read request form, available from the USO and pay the required fee of \$35.00. We will take care of the rest.

If you have a supplemental or deferred exam to write in August you have my sympathy. Don't forget to complete the necessary form (form, form, everywhere a form) and submit it to the USO along with \$10 for each exam being written.

An updated JUNE CONVOCATION LIST has been posted on the board in the corridor behind the USO. PLEASE TAKE TIME TO CHECK YOUR NAME/DEGREE/HOME-TOWN ARE ACCURATE.

La Bibliothèque/The Library Staff - RECLASSIFICATION

La bibliothèque est en train de reclassifier l'ancienne collection Cutter à la nouvelle classification de la bibliothèque du Congrès (Library of Congress ou LC). Une fois complété, ce travail nous donnera une

bibliothèque beaucoup plus facile à utiliser, mais cependant, vous trouverez des volumes qui ont été changés de place.

Nous essayerons de garder les inconvénients au minimum, et afficherons des avis dans les rayons quand des livres ont été déplacés. Si vous ne trouvez pas les livres que vous cherchez, veuillez demander au service de référence ou au comptoir de prêt où il y aura des listes des cotes qui ont changés de place et leur nouvelle emplacement.

Veuillez nous excuser les inconvénients et merci de votre compréhension et patience.

The Library is beginning work to reclassify the old Cutter collection into Library of Congress. While life will become easier for everyone once the work has been completed, it will mean some disruption while the work is in progress, and you will find that some material has been shifted.

We will try to keep the disruption to a minimum, and will post signs when material has been moved. If you are unable to find material you are looking for, please ask at the Reference or Circulation desk where there will be lists of call numbers which have been moved and their new locations.

We apologize for any inconvenience to our users and thank you for your understanding.

SSMU Transit Network

The SSMU Transit Network, McGill's unique carpool system, is now taking driver/passenger schedules for **FREE ON-CAMPUS PARKING** (McIntyre Garage) and convenient, inexpensive rides to and from school-serving your neighbourhood. Drop by Union 408 or call 398 2902 now to reserve your spot for November.

YEARBOOK: Res Ipsa Loquitur

Do you have some time to help out with putting the yearbook together? Please leave a message in Res Ipsa Loquitur box in the LSA Office. There is lots to do and few volunteers.

A Message From The LSA

Remember that the LSA Executive holds office hours 4 days a week now (Wednesday is our day of rest). The exact times we are available will be posted outside the LSA Office. All students note that the LSA will be off limits to all lunchers during these times!

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Jay Sinha

Directeur artistique/ Artistic Director:
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Laurence Detière

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Rédacteurs/ Editors:
Dave Abitbol, Harry Dikranian, Denis Guenette

Production:
Mike Akkawi, Adam Atlas, Maude-Isabelle Deligrave, Laurence Detière, Tony DiSilvestro, Martin Ertl, Shelly Feld, Liz Freedman, Barbara Frederikse, Alpina Garg, Lisa Horvath, Hillel Neuer, Jo-Anne Schneeweiss, Craig Shepherd, Marianne Tawa

Editorial: At What Cost?

The end of January is fast approaching, and with it, Law Games. As the name implies, it is a mixture of law and games. The clever play on words in the French title "Jeux Ridiques" gives this event a slightly different, farcical emphasis. At the same time it means "juridical" and "ridiculous games." And so they are.

Law Games manages to let "serious" law students escape from their studies for a few days each year and participate in many different games during the day, and to go wild partying together afterwards into the night (...and then into the morning, during the next day's games, and then into the night again...).

Last year, McGill sent a record-breaking number of students to the Law Games at Sherbrooke (which we understand will be eclipsed this year at York) and returned with a top prize: for Sports Excellence. This swarm of students participated in virtually all aspects of the Law Games activities and scooped up [more than] their fair share of awards. The closing awards banquet was triumphant for McGill where we were awarded our bounty while drunkenly cheering "our team's" wins for each of the sports we won. The Sports Excellence award was the high point of the evening; WE had WON.

At what cost?

Not to be a spoiler, but there was a cost, and that cost was paid by many. While the

majority of students would put the emphasis on the *games* rather than the *law*, not all do. Games imply fun while law is about winning and losing: "It's not how you play the game but if you win or lose...." You don't always have to win a game to have fun, but you have to be able to *play* to do so. On the other hand, I doubt that there are many lawyers that enjoy losing their cases.

The cost I am referring to was paid by the people who came to law games to have fun, but were prevented from doing so by those who had to win. It was astonishing in some cases how teams rosters were manipulated to have one small "stacked" team guaranteed to be powerful, and the "reject" team consisting of literally three quarters of all the players to be chosen from. The *stacked* team won with each player managing to get into the action. The *reject* team lost. In a sport like basketball where only 5 people could play at a time, there were over 20 players on the *reject* team. In a 40 minute game how many players could realistically *enjoy* a game? None.

Is there a higher purpose to be served by making the majority of the players suffer in the overgrown ranks of the *reject* team so that a minority on a *stacked* team could bring the glory back to McGill? If winning is everything, then yes, that's the price to be paid. The majority of the players could have

been told beforehand that they were "cut" so that they wouldn't have to bother suiting up and so could watch others play without wondering when they would themselves. Everyone could then focus on our heroes and give them their due adulation.

However, if the point is to have fun, then the *minimal* compromise is to at least balance the numbers on the teams so that everyone can *play* and *enjoy* themselves. People who participate together in a meaningful event often enjoy a camaraderie that can form enduring friendships.

When rejected and treated like a herd of cattle (imagine 20 plus people on the sidelines trying to determine who gets to play when and for how long) what will develop is a common dislike of the cattle herders. So unnecessary.

This year we'll have even more people attending law games. Unfortunately, most of us will be *rejects*. If the price to be paid this year for letting all of us *rejects* (sorry for assuming that you are a *reject*...) have fun is not winning, then we believe that it is justified in a "free and democratic society." Let's put the emphasis on *games* and not *law*, or better still, make these law games "*Jeux Ridiques*."

Conference on RACIAL VIOLENCE AND THE LAW:

The Centre for Research-Action on Race Relations will present an information session on the issues of hate groups and literature, racist acts of aggression and vandalism, and racial discrimination. The

session will be held on Wednesday, January 26th, 1994 from 12:30 to 2:30 p.m. in Rm. 101, and it will include talks from representatives of the Crime Victims Compensation Board, the "Protecteur du

Citoyen" and the Montréal Urban Community Police. For more information please contact Bruno Guillot-Hurtubise at 398-6792.

THE PEOPLE LEFT BEHIND: DEALING WITH THE HUMAN DIMENSION OF THIRD WORLD DEBT

Since the fall of the Berlin Wall in 1989, industrialized countries have focused their attention on rebuilding Eastern Europe, and on dealing with the dismantlement of the Soviet Union and of Yugoslavia. However, the plight of the world's poorest nations has not improved, and the

West has all but forgotten the debt crisis which still today cripples economic development in many African, Asian and especially Latin American countries. Human Rights Activist Rev. Ernest Schibli will address this topic in a speech on **Wednesday, January 26 at 12:30, in the Moot Court.** Actively involved in the struggle for human rights in Central America, Rev. Schibli works for the Social Justice Committee of Montreal, which has played a key role in coordinating non-governmental organizations' actions on the

issue of Third World debt. The subject of Rev. Schibli's presentation will be: "**The People Left Behind: Dealing with the Human Dimension of Third World Debt**". His speech will be followed by a short question period and discussion with the audience.

This event is a presentation of the St. Thomas More Society of McGill. Come one, come all!

Big Wheels

(Continued from page 1)

allows you to talk with thy fellow motorist since Hot-Wheels just come in convertible models. Actually they really don't convert from/into anything. And it would fulfill many people's desire to own a Harley and travel in packs. Better than a Harley, you could get a Hot-Wheels (which comes in brighter colours anyway) and travel in packs. Granted a Hot-Wheels pack isn't as

fierce looking as a Harley one, but hey, it's a lot cheaper.

Will driving ever be as much fun as on those tacky plastic tricycles? Wouldn't the world be a better place if everyone pedalled Hot-Wheels?

Granted, I foresee a problem with winterizing the little machine, and climbing Clarke street, or even Peel for that matter. And models built to accommodate people over 3 feet might be a bit more comfortable for us than the

munchiken size. Would drunk pedaling be considered an offense. And what's the worst road accidents that could happen, besides the driver collapsing of exhaustion when driving down to Florida. A few people could get their toes run over. But one thing's for sure, we wouldn't get any more speeding tickets driving through 30Km zones. And we'd have transportation and a Nautilus workout all in one!

V.P. EXTERNAL

(Continued from page 1)

L.S.A.

We are trying to put together a package for students interested in going south at spring break. The reason why we don't have the destination yet is because we want to get the best deal in town for you, the same way we did for the New York trip.

We were thinking of sending you to Mexico but did not want any of you to go through the summer of '91 again !!! (read Mercier Bridge). Seriously (because that was a joke), we might end up offering a trip to Cancun but Cuba and Venezuela are under investigation. By the time this article will have landed in your hands (which is a week from now) I assume we will be fixed on the destination.

If you want to help with the organization of the package and to make us benefit from your experience in similar trips, please drop by the office or leave a note in the V.P. External box.

SSMU

So far this semester, only one person has written to me for a special request using the SSMU suggestion box in the cafeteria. That person was concerned about the foam cups that we use which are not environmentally-friendly. The idea is in and even if the red tape to get it through is unreasonable, people concerned are considering it.

Accessibility in Chancellor Day Hall

An accessibility audit is taking place this semester. Students will take part in an

information session and subsequently will do the audit. We need volunteers to help. You can contact me anytime or Ruth at 398-6797 for more info.

Commission Francophone

Des audiences publiques auront lieu du 14 au 17 février dans la salle 425 de l'edifice de SSMU (Union Building, 428 McTavish) sur le statut et l'avenir du français et des francophones ... l'université McGill. Différents thèmes seront abordés: 1) les services universitaires, 2) l'admission et l'administration 3) les politiques académiques 4) la participation des francophones dans les clubs et les associations et 5) les relations entre les étudiants ainsi que celles entre les étudiants et les professeurs.

Le comité externe de SSMU met beaucoup d'énergie dans cette commission et a invité plusieurs intervenants de différents milieux. Si vous désirez plus d'information ... ce sujet pour vous inscrire comme participant ou pour nous aider dans l'organisation de l'évènement et/ou la rédaction du rapport, vous pouvez me contacter.

Insurance and You

Once again I want to remind you that we automatically subscribe to an insurance policy as McGill students. Vous pouvez être couvert par cette assurance: pour vos médicaments sur ordonnance, pour vos soins dentaires en cas d'accident et pour d'autres ordonnances qui incluent les contraceptifs oraux pour lesquels nous avons augmenté les montants admissibles. (Lors de notre dernière réunion au conseil législatif les montants admissibles sous cet item sont passés de

\$8 ... \$10 par mois). Un dépliant explicatif est disponible au bureau de U.S.O..

Concerning the insurance, there are two important facts that you have to know. First of all, if you or your parents already subscribe to a similar insurance policy, you can opt-out of ours by filling out the forms available on the board beside the L.S.A. office. Secondly, if you have a claim that you want reimbursed, there is still another form that you must fill out and return following the instructions written on it. Don't wait because there are deadlines for all these forms.

To come...

Spring Break somewhere at 30 degrees minimum Resolution and there may be a referendum on the Blood Drive issue, Aids Awareness Week, and Sadie's and its future in Old Chancellor Day Hall.

United Nations

A number of students have asked me to recontact Mr. Jose Campino from the United Nations who gave us a briefing on career opportunities last October in New York.

Since Mr. Campino had not yet returned to his position at the U.N. as of January 18, 1994, I have decided to contact other people to keep my word on the internship contacts in New York for the summer.

From next week on, an information package will be available in my Box at the LSA Office for those of you interested to know more about all this. I count on your cooperation to return the file promptly in my box so that other students may also benefit from it. Have a good semester. A la prochaine, Marian.

Jody Berkes BCL II

We have reached week III in second semester. The time when we receive grades from first semester. Coincidentally, it is also the time that they begin the process of sending out resumés for job interviews. It has been my experience that the thing law firms are most interested about are your grades. Last year I needed a summer job, and naively thought that, perhaps, I could find work doing research, sorting mail, making coffee, or emptying trash cans at a local law firm, so I applied to every Montréal law firm in the little red Careers Day book. Among the various letters saying, "We don't interview first law students" (All of which, mind you, were printed on exceptionally thick, heavy stationary with a monogrammed water mark), I got one offer for an interview. However, this was contingent upon them receiving a copy of my "official" grades. I found out from S.A.O., as it then was, that there are no "official" grades for first semester of first year (except Foundations). I told this to the law firm and they asked if they could get an "official" copy of my unofficial grades. I thought about pointing out this oxymoron, but instead I wrote down my grades and sent them in. I was rewarded with an invitation to cocktails, and the chance to make an ass of myself in front of two very well dressed lawyers during an interview.

What does this mean? What's the point? I'll tell you. Basically at the end of four years the top five students are going into academics, whether they plan to at that point or not. One of the big firms will offer them piles of money to work for them, and after eating Ramen for four years they may opt to work for a while. But, they will always return to teaching because the real world sucks. Why shouldn't they go back? I'd stay in school forever if I could. Or the top students might become Supreme Court Clerks which translates into a fast track, as opposed to the slower route which passes through the law firm, back into academia. After the first five have had their pick, the next five will probably make it into one of the big firms as well.

The rest of us who fall somewhere

in between the 2.0 and 3.0 GPA will most likely get dizzy from being shoved in and out of the revolving doors to big firms. Those students lucky enough to get an interview may be asked to distinguish themselves because they got a "C+" in Foundations while the previous interviewee got a "B-". As most of you have found out, there is no qualitative difference between a "C+" and a "B-" in law school, and even less difference between a "B+" and an "A-". In fact, you have to split the hairs really fine to get from anywhere between a "C" and an "A". Take a look at the grade distribution charts down in the cafeteria one day. You can't seriously expect me to believe that there were only three papers in a class of 80 people who deserve an "A" or "A-". Likewise, it boggles the mind that in a class of 80 people, 11 of them deserve

below a "C-". For most of you non-math majors like myself, my calculator says that's a 13% failure rate. Collectively, 13% of us don't deserve to fail a class. Most of us have managed to do well up until this point in our academic careers. We're all smart so why can't we all get the grades that we deserve. There was at least one Tax class where that appears to be the case. It also happens to be the same class in which the professor taught twice the material in half the time, but I digress.

The curve at the Faculty of Law is manifestly unfair because it punishes too many and rewards too few. I would say that the vast majority of students do take law school seriously, and do their work conscientiously. A few do absolutely no work and show up only on test day. In a perfect world, the result would be that those that do the work would be rewarded, and those that didn't would fail. In the real world the professor knows who in the class is doing and who is asleep or absent, and rewards somewhat approximate that analysis. At McGill, we throw exam books off a ledge and assign

grades based on what pile they land in. The results are that a random few are rewarded, while the vast majority of us swim in a sea of relative obscurity. The curve atomizes, categorizes and marginalizes us. The law firms compound this by limiting interviews, real consideration, or job offers to the top few in each graduating class, turning us against each other, instead of encouraging us to help each other.

Some would say that grades are the only way to legitimately demonstrate the calibre of student the institution turns out. I can't imagine a bigger load of B.S. Yale Law seems to do pretty well with their graduates, and they don't have grades at all. Likewise, the Medical School seems to do all right with the pass/fail system. I'm not advocating that we completely abandon some form of recognition of students' achievement. However, there is a way to reward those who deserve the credit, without punishing those that work equally hard. This is what I propose. We can still give out three or fewer A's in any given class. We can still rank the top ten students in each year. The change would come with respect to the rest of the class. Anyone not receiving an A gets either a pass or fail. To assure a standard of quality we

can even elevate the minimum standard a professor requires to pass a student. The result would not be a lessening of the calibre of student. The students at the top of the class for the most part wouldn't change. (Even now the ranking at the top rarely changes over the four year period) However, the students in the middle wouldn't feel the need to compete with everyone else, and we just might lower the level of tension in the school. The result wouldn't discredit McGill any more than it discredits Yale. The only thing that it might possibly do is force the law firms to recognize what we already know - that the marks at McGill for the most part are arbitrary, and that we should all be given the chance to interview and be judged on our merits as people.

Jody Berkes is a second year law student who still needs a summer job. His column appears weekly in the Quid Novi.

MARTINEAU WALKER

would be pleased to accept your application for an articling position with our firm.

Although our principal objective is to fill positions for the 1996 and 1997 articling periods, we will be considering all applications.

We would appreciate receiving your resume no later than February 15, 1994, to the attention of Mr Eric M. Maldoff, at the address shown below.
Interviews will be held after March 1, 1994.

We also invite you to the Martineau Walker "Coffee House/Quatre à Sept" to be held in the Common Room on February 3, 1994, from 4pm to 7pm.

Our firm profile is available at the Student Placement Office. Should you have any further questions concerning the firm or our hiring process, or should you require any other assistance, please contact:

Mr Dimitri G. Mastrocola
B.C.L./LL.B. 1989 (McGill)
(397-4385)

MARTINEAU WALKER
Advocates
800 Place Victoria
P.O. Box 242
Montreal, Quebec
H4Z 1E9

MARTINEAU WALKER

procédera prochainement au recrutement d'étudiants pour les stages 1996 et 1997.

À tous ceux et celles d'entre vous intéressés à soumettre leur candidature:

Nous apprécierions recevoir vos *curriculum vitae* avant le 15 février 1994, à l'attention de Me Eric M. Maldoff à l'adresse ci-dessous.

Les entrevues se dérouleront à partir du 1er mars 1994.

Nous vous invitons également à un "Quatre à Sept" Martineau Walker qui aura lieu au Common Room le 3 février prochain entre 16h00 à 19h00.

Une brochure concernant notre cabinet et le stage est disponible au Bureau du placement étudiant. Si vous avez des questions concernant notre cabinet, notre procédure d'embauche, ou tout autre sujet, veuillez communiquer avec:

Me Dimitri G. Mastrocola
B.C.L./LL.B. 1989 (McGill)
(397-4385)

MARTINEAU WALKER
Avocats
800, Place Victoria
C.P. 242
Montréal (Québec)
H4Z 1E9